

BOSTON REDEVELOPMENT AUTHORITY

REPORT AND DECISION ON THE APPLICATION OF DORCHESTER HOUSING ASSOCIATES FOR THE AUTHORIZATION AND APPROVAL OF A PROJECT UNDER MASSACHUSETTS GENERAL LAWS (TER. ED.) CHAPTER 121A AS AMENDED, AND CHAPTER 652 OF THE ACTS OF 1960, TO BE UNDERTAKEN AND CARRIED OUT BY A LIMITED PARTNERSHIP ORGANIZED PURSUANT TO MASSACHUSETTS GENERAL LAWS, CHAPTER 109, AND APPROVAL TO ACT AS AN URBAN REDEVELOPMENT LIMITED PARTNERSHIP UNDER SAID CHAPTER 121A.

A. The Hearing. A public hearing was held at 2:00 P.M. on August 6, 1981 in the offices of the Boston Redevelopment Authority (hereinafter called the "Authority"), at the New City Hall, Room 921, Boston, Massachusetts 02201, by the Authority on an Application dated July 8, 1981 (hereinafter called the "Application"), filed by Dorchester House Housing Corporation, Dorchester House Senior Housing, Inc., and Robert F. Walsh on behalf of Dorchester Housing Associates for authorization and approval of a redevelopment project under Chapter 121A of the General Laws of the Commonwealth of Massachusetts and Chapter 652 of the Acts of 1960, as amended (hereinafter called the "Project"), due notice of said hearing having been given previously by publication on July 23, 1981 and July 30, 1981, in the Boston Herald-American, a daily newspaper of general circulation published in Boston, and mailing postage prepaid in accordance with Rule 4 of the Rules and Regulations of the Authority for securing approval of Chapter 121A projects, and in accordance with the provisions of Section 13 of Chapter 652 of the Acts of 1960, as amended. Robert Farrell, James K. Flaherty, Clarence Jones, and William A. McDermott, Jr., were present at the hearing.

B. The Project. The proposed development area is located on approximately 50,000 square feet of vacant land comprised of seven contiguous parcels and portions of four adjacent parcels in the Dorchester section of the City of

Boston, and numbered 1361-1363 and 1371-1375 Dorchester Street, 8, 10-12, 14-16, 22-24 and 26-28 Ellet Street, 146 and 158 Adams Street and 158 rear Adams Street and a portion of Ellet Street to be discontinued by the City of Boston. A full metes and bounds description can be found in Exhibit A to the Application, and more particularly shown on a location map marked Appendix I to the Application.

The development area is currently owned by various individuals with whom the Applicant has acquired options to purchase, and the Applicant expects to acquire the land upon approval of the Application and the initial closing of the Applicant's mortgage loan. A list of the present owners are attached to the Application as Exhibit C.

The Project consists of a multi-story building composed of two sections. The section closest to Dorchester Avenue on an east/west axis will consist of four stories with a height of 38 feet above finish grade. The section closest to Adams Street on an east/west axis will consist of seven stories with a height of 64 feet above finish grade. This section of the building will be constructed into the ascending slope on the site and will necessitate excavation and retaining walls to the rear of the building on the Adams Street side. The structure has been designed to contain the latest energy efficient characteristics such as exterior walls with 6-inch stud backup with 6-inch insulation and insulating glass aluminum single hung windows. The building facade has been designed to be harmonious with that of the Dorchester Multi Service Center and has bay windows and accompanying fenestrations on both sides of the structure.

The project will contain 91 dwelling units, which are designed specifically for elderly occupancy, consisting of 81 one-bedroom apartments and 10 2-bedroom apartments and appurtenant facilities for laundry room, a community room and open space. Fifteen (15) of the units will be designed for handi-

capped persons, and the design of the Project will include ramps and other necessities for the handicapped. The Project will contain 19 parking spaces and landscaped access walks and drives.

All of the units will be equipped with carpeting and the newest kitchen equipment, including electric ranges, refrigerators, dishwashers, disposals and fans. Each unit will be individually metered for electricity usage for heat and utilities. Other tenant amenities include a laundry room, a community room with kitchen and a roof deck on the 5th floor with views to Dorchester Bay. The Project has been designed as an elderly congregate housing development. Its location adjacent to the Dorchester House Multi Service Center will enable the residents of the project to utilize the services of the Multi Service Center which consists of a wide variety of social and health services for the neighborhood. Especially beneficial to the residents of the project will be the existing elderly social service program at the Multi Service Center which includes daily luncheons, complete health facilities and services including health screening, internal medicine, eye and dental clinics. The residents will also have access to the services of a geriatric social worker at the Multi Service Center. The integration of this project with the Dorchester Multi Service Center was designed to create a complete living environment and campus for the residents of the project. In addition to the services of the Multi Service Center, the residents will have available the social services of the Bay Cove Human Services, Inc., a non-profit organization dedicated to deinstitutionalization of the handicapped, and the Upham's Corner Home Care Program which is a comprehensive home care program in the southeast Boston area.

Attached to the Application as is a site plan for the Project Area. There is also incorporated into the Application as Appendix II a site

plan for the building and as Appendix III are Project drawings showing generally the character and quality of the construction to be used.

C. Authority Action. In passing upon the Application, the Authority has considered the Application itself, all documents, plans and exhibits filed therewith or referred to therein, the oral evidence presented at the hearing, the exhibits offered in evidence at the hearing, and arguments and statements made at the hearing.

D. Project Area. The Project as defined in the Application constitutes a "Project" within the meaning of Section 1 of Chapter 121A of the General Laws, providing, as it does, for the acquisition, and construction in a blighted open area of decent, safe, and sanitary housing for the elderly and handicapped and appurtenant facilities.

The Project area is a blighted open area, as those terms are defined in Section 1 of Chapter 121A, for the following reasons:

The project area has a grade differential of approximately 18 feet from the easterly boundary near Dorchester Avenue ascending on a slope to the westerly boundary near Adams Street. Due to this site condition, the Applicant is required to prepare extensive excavations for the building's foundation and to expend additional monies in construction costs for foundation waterproofing and slope stabilization. Additionally, the site consists of the remnants of foundations of the former structures which require further demolition and extraction by the contractor. The portion of the project area, which includes the discontinued portion of Ellet Street, contains utilities which must remain in place and therefore necessitate the construction of the foundation bridging these utilities. A copy of the architect's report relative to these conditions is annexed to the Application as Appendix IV.

The Project Area is situated within the residential and business districts of the Meeting House Hill and Fields Corner neighborhoods. The Project Area had originally been occupied by residential and business structures which have since been damaged by fire or deteriorated to such a condition that they were demolished by the order of the Building Commissioner of the City of Boston. The structures were demolished in 1977. Since that time, the Project site has remained a vacant site abutting the new Dorchester Multi-Service Center located at the corner of Dorchester Avenue and Ellet Street. The Project Area is bound by deteriorating and substandard residential and commercial buildings along Dorchester Avenue, which buildings are in the process of being demolished by the current owner. The Project Area also contains parcels which are currently encumbered with tax titles levied by the City of Boston for non-payment of taxes and are in the final stage of foreclosure by the City. Copies of the tax title records of the City of Boston for these properties are annexed to the Application as Appendix IV.

The topographical configuration of the site, the tax title takings of the properties, the costs of excavation and slope stabilization, the bridging of utilities in the discontinued portion of Ellet Street and the existence of deteriorating commercial areas constitutes substantial evidence that the area is a blighted open area and that these conditions are detrimental to the health, safety and sound economic growth of the Meeting House Hill/Fields Corner neighborhood, and are conditions which have not and will not be remedied by the ordinary operations of private enterprise.

Further, the site would not be developed without the real estate taxes being limited to a percentage of the Project's estimated gross annual income, evidenced by the requirement of the mortgage lender attached to the Application.

Percentage levels as a basis for taxation can only be lawfully agreed to by the City of Boston under General Laws, Chapter 121A and Section 6A. These conditions and other factors referred to in the Application and this Report and Decision warrant the carrying out of the Project in accordance with Chapter 121A.

For these reasons it is found that the Project area is a blighted open area within the meaning of Chapter 121A as amended. It is unlikely that the conditions will be remedied by the ordinary operations of private enterprise.

The Project will provide substantial financial return to the City of Boston. The amounts to be paid in lieu of real estate taxes by the Applicants are set forth in the Application. There shall be paid to the City of Boston a percentage payment in lieu of real estate taxes, in each of the thirty calendar years after approval of the Project.

E. Cost of the Project. In the opinion of the Authority, the cost of the Project has been realistically estimated in the Application and the Project is practicable.

The estimated minimum cost of the Project will be approximately Three Million, Seven Hundred Ninety Six Thousand, One Hundred Forty Two (\$3,796,142) Dollars. It is anticipated that both the construction and permanent loan will be funded from proceeds of the sale of tax-exempt obligations issued by MHFA at a rate of interest one-half of one percent above the cost of money borrowed by MHFA to make such loan.

The Applicant states that the 121A Entity, of which the Applicants will be general partners, will be formed and that approximately 97% of the interest in the partnership will be allocated to a person or persons not now known, which person or persons will be admitted as limited partners, in consideration of their agreement to contribute capital to such limited partnership.

The Applicant has received a conditional commitment from MHFA for the issuance of mortgage financing in an amount equal to 90% of the total replacement cost of the Project. The total replacement cost of the Project and the loan amount for construction and permanent financing as submitted to MHFA are delineated on Appendix V annexed to the Application. In addition the General Partner of the 121A Entity will contribute development services to the Project valued at \$427,541 by MHFA.

There are no other amounts to be raised by the 121A Entity in addition to those raised by mortgage loan and limited capital contributions as outlined in the Application.

The following are all the persons, natural or corporate, who, prior to the completion of the Project, have or will have, directly or indirectly, any ownership interest in the Project.

Dorchester Housing Associates and its General and Limited Partners;
Massachusetts Housing Finance Agency; and
U.S. Department of Housing and Urban Development (HUD).

F. Consistency with Master Plan. The Project does not conflict with the Master Plan for the City of Boston as the Project Area comes within a classification in the Master Plan which permits buildings and uses of the kind proposed by the Applicants.

G. Effect of the Project. The Project will not be in any way detrimental to the best interests of the public or the City of Boston or to the public safety and convenience and is not inconsistent with the most suitable development of the Projected Area neighborhood or of the City. The Project will, in fact, forward the best interests of the City and will constitute a public use and benefit. The Plans of the structure to be constructed within the Project Area have been reviewed by the Design Review Staff of the Authority. The Authority finds that this Project will enhance the general appearance of the

Area and furnish much needed housing in the Dorchester section of the City. During construction of the Project, the Project general contractor will be required, to the best of its ability, to grant preference in hiring to Boston residents.

The carrying out of the Project will not involve the relocation of persons or businesses from the Project Area.

H. Environmental Considerations. Pursuant to the provisions of regulations implementing the Massachusetts Environmental Policy Act, 301 CMR 10.32(3)(h), the Project has been categorically excluded from the filing of any environmental report.

In order to avoid or minimize any damage to the environment, the Authority hereby requires that the Applicant comply with the City of Boston Air Pollution Control Commission's Regulations for the Control of Noise and Regulations for the Control of Atmospheric Pollution during all phases of construction activity.

I. Minimum Standards. The minimum standards for financing, construction, maintenance, and improvement of the Project as set forth in the Application, filed with and attached to the Application, are hereby adopted and imposed as Rules and Regulations (in addition to those hereinafter adopted and imposed) applicable to this Project for the same period as the Project is subject to the provisions of Chapter 121A of the General Laws and Chapter 652 of the Actions of 1960, as amended.

In addition to the minimum standards set forth in the Application, the Authority hereby requires that the Applicants, prior to obtaining a building permit, (1) enter into a Regulatory Agreement with the Authority pursuant to the requirements of General Laws, Chapter 121A, Section 18C and containing such other terms and conditions as the Authority may in its discretion deem

necessary and appropriate; (2) submit to the Authority for its review and approval all plans and specifications for the Project as the Authority may require and accept such changes and modifications thereto as the Authority may deem necessary or appropriate, and (3) adhere to such design review controls and requirements as the Authority may in its discretion impose.

Further, the Authority is aware that substantial real estate tax arrearages exist for the properties within the Project Area and that the Applicant is in the process of negotiating with the Commissioner of Assessing for the City of Boston for abatement of such arrearages. The approval of the Project as hereby granted by the Authority is conditioned in all respects upon (1) the placement in escrow by Dorchester Housing Associates with the title insurance company of an amount equal to the unpaid real estate taxes, together with an amount sufficient to cover such interest as may accrue within six months; and (2) the payment in or within six months from the date of initial closing for the mortgage loan of the Project of all amounts of outstanding real estate taxes, plus interest. In the event that the conditions contained in this paragraph are not complied with, then the action of the Board is null and void, without further action on the part of the Authority.

The carrying out of the Project will not require a permit for the erection, maintenance, and use of a garage within 500 feet of one or more buildings occupied in whole or in part as a public or private school having more than 50 pupils, or as a public or private hospital having more than 25 beds, or as a church.

The Project does not involve the construction of units which constitute a single building under the State Building Code and Boston Zoning Ordinance, but the carrying out of the Project will not require a declaration of the Authority, with the approval of the Mayor, that such units constitute separate buildings for the purpose of Chapter 138 of the General Laws.

The Applicant is informed and believes that the Project Area does not include land within any location approved by the Department of Public Works for the extension of the Massachusetts Turnpike into the City of Boston.

J. Zoning and Building Code Deviations. Appendix X filed with and attached to the Application lists the zoning and building deviations. For the reasons set forth in the Application and the evidence presented at the hearing, the Authority hereby finds that the below zoning deviations are necessary for the carrying out of the total project and are therefore granted without substantially derogating from the intent and purposes of the applicable laws, codes, ordinances and regulations.

1. Permission is granted to deviate from the requirement of Article 10, section 10-1, of the Code, Accessory Uses, Limitation of Area. Section 10-1 prohibits the use of front yards and limits the use of rear and side yards in residential districts for any accessory use including off-street parking. The Project is designed to provide 19 parking spaces in the front and rear yards. Therefore permission is granted to deviate from the Accessory Use, Limitation of Lot Area requirement by waiving this requirement for the Project.

2. Permission is granted to deviate from the requirement of Article 14, Section 14-2, of the Code, Lot Area per Dwelling Unit. Section 14-2 requires that the minimum lot area per dwelling units conform to the requirement set forth in Table B of Article 13 Section 13-1 of the Code. The minimum lot area per dwelling unit the minimum lot area required and that provided for the Project is as follows:

<u>ZONE</u>	<u>REQUIREMENT</u>	<u>UNITS</u>	<u>TOTAL</u>	<u>PROJECT AREA</u>
R-.8	5,000 min + 1,500 each DU	91	140,000	46,532
H-1	5,000 min + 1,000 each DU	91	95,000	46,532
L-1	Sec. 13-4, see	91	140,000	46,532
B-1	above	91	140,000	46,532

Due to the fact that the Project Area encompasses 4 zoning districts, the more restrictive requirements of an R-.8 district have been applied to the B-1, L-1 and H-1 districts, and permission is granted to deviate from the more restrictive of the minimum lot area requirements, i.e., 140,000 square feet, and allow a 5,000 square feet minimum lot area plus 400 square feet for each additional dwelling unit.

3. Permission is granted to deviate from the requirement of Article 14, Section 14-4, of the Code, Lot Frontage and Width of Access. Section 14-4 requires that the lot frontage equal the minimum lot width set forth in Table B of Article 13, Section 13-1 of the Code. The minimum lot width/ frontage requirement and that provided for the project is as follows:

<u>ZONE</u>	<u>REQUIREMENT</u>	<u>MINIMUM PROVIDED</u>
R-.8	50 feet	40 feet frontage on the Ellet Street
H-1	50 feet	access from Dorchester Avenue
L-1	sec. 13-4, see	
B-1	above	

Due to the fact that the Project Area encompasses 4 zoning districts, the more restrictive requirements of an R-.8 district have been applied to the B-1, L-1 and H-1 districts, and permission is granted to deviate from the 50 foot minimum frontage requirement to allow a minimum frontage of 40 feet at the end of the Ellet Street access from Dorchester Avenue; provided, however, that if the Public Improvement Commission of the

City of Boston requires the discontinuance of Ellet Street to its intersecting point on Dorchester Avenue, then the frontage requirement be reduced to twenty (20) feet.

4. Permission is granted to deviate from the requirements of Article 15, Section 15-1, of the Code, Floor Area Ratio. Section 15-1 requires that the ratio of floor area of the structure to the lot area not exceed the ratio specified in Table B of Article 13, Section 13-1 of the Code. The maximum floor area ratio allowed and the maximum floor area ratio of the Project are as follows:

<u>ZONE</u>	<u>REQUIREMENT</u>	<u>LOT AREA</u>	<u>FLOOR AREA</u>	<u>PROJECT FAR</u>
R-.8	.8	46,532	73,000	1.6+
H-1	1.0	46,532	73,000	1.6+
L-1	1.0	46,532	73,000	1.6+
B-1	1.0	46,532	73,000	1.6+

Due to the fact that the Project area encompasses 4 zoning districts, the more restrictive requirements of an R-.8 district have been applied to the B-1, L-1 and H-1 districts, and permission is granted to deviate from the maximum .8 floor area ratio for an R-.8 district to allow a maximum floor area ratio of 1.8.

5. Permission is granted to deviate from the requirements of Article 16, Section 16-1 of the Code, Maximum Height of Buildings, Section 16-1 requires that the maximum height of a structure shall not exceed the height specified in Table B of Article 13, section 13-1 of the Code. The maximum height allowed and the height of the Project is as follows:

<u>ZONE</u>	<u>REQUIREMENT</u>	<u>PROJECT HEIGHT</u>	
R-.8	3 stories 35 feet	4 stories 38 feet	7 stories 64 feet
H-1	None	4 stories 38 feet	7 stories 64 feet
L-1	3 stories 35 feet	4 stories 38 feet	7 stories 64 feet
B-1	3 stories 40 feet	4 stories 38 feet	7 stories 64 feet

Due to the fact that the Project area encompasses 4 zoning districts, the more restrictive requirements of an R-.8 district have been applied to the B-1, L-1 and H-1 districts, and permission is granted to deviate from the maximum height allowed in an R-.8 district of 3 stories and 35 feet to allow a maximum height of 7 stories and 64 feet for this Project.

6. Permission is granted to deviate from the requirements of Article 17, section 17-1 of the Code, Minimum Usable Open Space. Section 17-1 requires that the minimum usable open space area shall not be less than that required by Table B of Article 13, section 13-1 of the Code. The minimum usable open space required and that provided for the Project is as follows:

<u>ZONE</u>	<u>REQUIREMENT</u>	<u>UNITS</u>	<u>TOTAL</u>	<u>PROVIDED</u>
R-.8	800	91	72,800	25,000
H-1	400	91	36,400	25,000
L-1	sec 13-4, see	91	72,800	25,000
B-1	above	91	72,800	25,000

Due to the fact that the Project area encompasses 4 zoning districts, the more restrictive requirements of an R-.8 district have been applied to the B-1, L-1 and H-1 districts, and permission is granted to deviate from the minimum requirement of 72,800 square feet of usable open space to allow a minimum open space requirement of 25,000 square feet for the Project.

7. Permission is granted to deviate from the requirements of Article 19, section 19-1 of the Code, Side Yard Requirements. Section 19-1 requires that the width of side yards shall not be less than the minimum width as specified in Table B of Article 13, section 13-1 of the Code. The minimum side yards required and that provided for the Project are as follows:

<u>ZONE</u>	<u>REQUIREMENT</u>	<u>SIDE YARD SOUTH</u>	<u>SIDE YARD NORTH</u>
R-.8	10	16 feet	0 feet
H-1	(sec. 19-4) 20	16 feet	0 feet
L-1	sec. 13-4, see	16 feet	0 feet
B-1	above	16 feet	0 feet

Due to the fact that the Project area encompasses 4 zoning districts, the more restrictive requirements of an R-.8 district have been applied to the B-1, L-1 and H-1 districts, and permission is granted to deviate from the minimum side yard requirement by waiving this requirement for the Project.

8. Permission is granted to deviate from the requirements of Article 18, section 18-1 and 18-5, of the Code, Front Yard Requirements. These sections require that the minimum depth of a front yard shall not be less than the minimum depth as specified in Table B of Article 13, section 13-1 of the Code. The minimum front yard depth requirement and that provided for the Project is as follows:

<u>ZONE</u>	<u>REQUIREMENT</u>	<u>PROVIDED</u>
R-.8	20 feet	see below
H-1	20 feet	see below
L-1	sec. 13-4, see	see below
B-1	above	see below

Due to the fact that the Project area encompasses 4 zoning districts, the more restrictive requirements of an R-.8 district have been applied to the B-1, L-1 and H-1 districts, and permission is granted to deviate from the minimum front yard requirement of twenty (20) feet to allow a minimum front yard depth of ten (10) feet for that portion of the front yard which lies between the southeast corner of the building and the lot line. This deviation is granted because the lot line is not parallel to the building and at its closest point at the southeast corner of the building the front yard distance is less than 3/4 of the front yard depth requirement.

9. Permission is granted to deviate from the requirements of Article 21, Section 21-1 of the Code, Setback Requirements. Section 21-1 requires that the minimum setbacks of a structure from lot lines be not less than that distance as specified in Table B of Article 13, section 13-1 of the Code.

The building frontage which faces east towards Dorchester Avenue is not parallel to the front lot line and at the southeast corner of the lot the building at its closest point to the front lot line is within a distance of less than 15 feet. This portion of the building is located in an R-.8 district and for purposes of this Project the requirements of an H-1 district have been applied. In an H-1 District the setback must equal

$\frac{H+L}{6}$. The setback requirement for this portion of the building is as follows:

H = 64 feet

L = 55 feet

Total = 119 = 20 foot setback

Due to the fact that the Project area encompasses 4 zoning districts, the more restrictive requirements of an R-.8 district have been applied to the B-1, L-1 and H-1 districts, and permission is granted to deviate from the minimum setback requirement of Article 21 by waiving this requirement for the Project.

K. Duration of Period of Tax Exemption. The Applicant requests an extension of the minimum period of tax exemption (fifteen (15) years) equal to fifteen (15) years for an aggregate period of tax exemption of thirty (30) years. The basis for this request is that the Project proposed to be developed

by the Applicant is a housing project to be subsidized and financed by federal and state programs adopted to assist the construction of low and moderate income housing. More specifically, the Project will receive permanent mortgage financing from MHFA for a loan term of thirty (30) years. The Project will also benefit from the Section 8 housing assistance program of the United States Department of Housing and Urban Development. Pursuant to this program qualified tenants will receive direct rental subsidies to cover the cost of Section 8 approved rental charges in excess of 25% of the tenant's income. For these reasons the Authority hereby approves the additional period of fifteen years for a total of thirty years of tax exemption.

L. Decision. For all the reasons set forth in the foregoing report, the Authority hereby approves the undertakings by the Applicant of the Project pursuant to Chapter 121A of the General Laws and Chapter 652 of the Acts of 1960, subject to the provisions and conditions as set forth herein.

MEMORANDUM

AUGUST 20, 1981

TO: BOSTON REDEVELOPMENT AUTHORITY

FROM: ROBERT J. RYAN, DIRECTOR

SUBJECT: REPORT AND DECISION ON THE CHAPTER 121A APPLICATION
OF DORCHESTER HOUSING ASSOCIATES

On August 6, 1981, the Authority conducted a public hearing with respect to the above captioned Application. At that meeting, the Board heard a presentation by the Applicants.

The Project consists of the construction, operation and maintenance of 91 units of housing for elderly and handicapped on 50,000 square feet of land in the Dorchester section of the City of Boston.

The staff has examined the Application and found that it contained sufficient evidence in support of the Project to permit the Authority to make those findings and determinations necessary to proceed with the approval of the Project.

It is therefore recommended that pursuant to Chapter 121A of the General Laws, the Authority adopt the Report and Decision approving the Project.

An appropriate Vote follows:

VOTED: That the document presented at this meeting entitled: "Report and Decision on the Application of Dorchester Housing Associates for the Authorization and Approval of a Project Under Massachusetts General Laws (Ter.Ed.) Chapter 121A As Amended, and Chapter 652 of the Acts of 1960, to be Undertaken and Carried Out by a Limited Partnership Organized Pursuant to Massachusetts General Laws, Chapter 109, and Approval to Act as an Urban Redevelopment Limited Partnership Under Said Chapter 121A" be and hereby is approved and adopted.

